



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/935,859

08/23/2001

Masahiko Enari

09812.0651

9497

22852

7590

08/22/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,859	Applicant(s) ENARI, MASAHIKO	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) filed June 28, 2006. Claims 1-5 have been amended and remain pending examination.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (U.S. Patent No. 6,714,797) in view of Gould et al (U.S. Patent No. 4,300,040)

4. As per claim 1, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal
(column 6, lines 2-7);

acquiring an identification code for identifying an electronic content retrieved
from among the available electronic contents by using said user terminal linked via a

Art Unit: 2152

network to a server in which the available electronic contents are recorded (column 6, lines 35-40, column 8, lines 31-37);

inputting the identification code to said information terminal (column 6, lines 34-53); and

supporting the downloading of the retrieved electronic content to a recording medium in response to the step of inputting the identification code to said information terminal (column 6, lines 5-60, column 8, lines 25-45).

5. Although Rautila teaches that a user can browse content available at the electronic shop server prior to selecting content to purchase (column 6, lines 1-9) and also teaches that a confirmation request is sent to the user to confirm the selected content (column 6, lines 53-57), Rautila fails to explicitly teach supporting a preview of the retrieved electronic content identified by the identification code after inputting the identification code. However, the feature of previewing the content selected prior to purchase is well known in the art as evidenced by Gould et al. Gould et al teach a terminal in which a customer can preview content selected for purchase. After inputting the identification code representing the selected content, the user can view a preview of the selected content prior to purchasing the selected content. (column 2, lines 30-47). It would have been obvious to one of the ordinary skill in the art at the time of the Applicant's invention to combine Rautila and Gould et al because doing so would allow a user to preview the selected content as part of an order confirmation process, in order to ensure that the content displayed as selected for purchase is indeed the content desired for purchase by the user.

6. As per claims 2-5, these claims contain similar limitations as claim 1 above, therefore are rejected under the same rationale.

Art Unit: 2152

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (U.S. Patent No. 6,714,797) in view of Bernard et al (U.S. Patent No. 5,918,213)

8. As per claim 1, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal (column 6, lines 2-7);

acquiring an identification code for identifying an electronic content retrieved from among the available electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded (column 6, lines 35-40, column 8, lines 31-37);

inputting the identification code to said information terminal (column 6, lines 34-53); and

supporting the downloading of the retrieved electronic content to a recording medium in response to the step of inputting the identification code to said information terminal (column 6, lines 5-60, column 8, lines 25-45).

9. Although Rautila teaches that a user can browse content available at the electronic shop server prior to selecting content to purchase (column 6, lines 1-9) and also teaches that a confirmation request is sent to the user to confirm the selected content (column 6, lines 53-57), Rautila fails to explicitly teach supporting a preview of the retrieved electronic content identified by the identification code after inputting the identification code. However, the feature of previewing the content selected prior to

Art Unit: 2152

purchase is well known in the art as evidenced by Bernard et al. Bernard et al teach product samples, such as movie previews, sample cuts from music tracks, software demo, and the like, are provided to the customer so the customer can evaluate the product prior to purchasing (abstract, column 3, lines 8-41). It would have been obvious to one of the ordinary skill in the art at the time of the Applicant's invention to combine Rautila and Bernard et al because doing so would allow a user to preview the selected content in order to ensure that the content selected for purchase is indeed the content desired for purchase by the user.

10. As per claims 2-5, these claims contain similar limitations as claim 1 above, therefore are rejected under the same rationale.

Conclusion

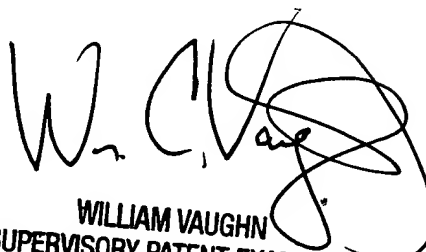
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
August 14, 2006



WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100